

PATRICK L. FORTE, #80050
ANNE Y. SHIAU, #273709
LAW OFFICES OF PATRICK L. FORTE
One Kaiser Plaza, #480
Oakland, CA 94612
Telephone: (510) 465-3328
Facsimile: (510) 763-8354

Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 10-44744 RLE

**SOLOMON EARL WINDHAM and
LAURA ANN WINDHAM,**

Chapter 13

Debtors.

**AMENDED MOTION TO MODIFY CHAPTER
13 PLAN; NOTICE TO CREDITORS OF
DEADLINE TO REQUEST A HEARING**

The above-named debtors apply to the court for an order to modify their Chapter 13 Plan as follows:

Commencing June 2011, debtors will pay \$800.00 per month to the Trustee. Any plan arrearages shall be forgiven. Unsecured, non-priority creditors shall be paid on a pro-tanto basis.

Debtors shall surrender the real property located at 901 Rotherham Drive, Antioch, CA 94509 to BAC Home Loans Servicing and the Contra Costa Treasurer Tax Collector.

The modification is sought on the following grounds:
Mr. Windham's income has decreased. Debtors can no longer afford their mortgage payments.

NOTICE IS HEREBY GIVEN:

1 (i) That Local Rule 9014-1 of the United States Bankruptcy Court
2 for the Northern District of California prescribes the procedures to be
3 followed and that any objection to the requested relief, or a request for
4 hearing on the matter must be filed and served upon the undersigned
5 within twenty one (21) days of mailing of this notice;

6 (ii) That a request for hearing or objection must be accompanied
7 by any declarations or memoranda of law the party objecting or requesting
8 wishes to present in support of its position;

9 (iii) That if there is not a timely objection to the requested
10 relief or a request for hearing, the Court may enter an order granting
11 the relief by default; and

12 (iv) That the undersigned will give at least seven (7) days written
13 notice of hearing to the objecting or requesting party, and to any
14 trustee or committee appointed in the case, in the event an objection or
15 request for hearing is timely made.

16 Dated: June 23, 2011

17 /s/ Patrick L. Forte
18 PATRICK L. FORTE
19 Attorney for Debtors
20
21
22
23
24
25
26